

EDP:MS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

COMPLAINT

- against -

(21 U.S.C. § 846)

ANTONIO HUMBERTO
BARRON BORJAS, JUAN MANUEL
GARCIA, JOSE FRANCISCO
ROSALES TORRES and JACKELIN
AZUCENA MATAMOROS TORRES,

22-MJ-1168

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

Martha Beltran, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about October 28, 2022, within the Eastern District of New York and elsewhere, the defendants ANTONIO HUMBERTO BARRON BORJAS, JUAN MANUEL GARCIA, JOSE FRANCISCO ROSALES TORRES, and JACKELIN AZUCENA MATAMOROS TORRES, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing cocaine, a Schedule II controlled substance, and (b) a substance containing N-phenyl-N-[1-(2-phenylethyl)-4 piperidinyl] propenamide (“fentanyl”), a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Section 846)

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been involved in the investigation of numerous cases involving drug trafficking, including cocaine and fentanyl investigations and drug trafficking. During my career in law enforcement and in past investigations, I have (i) conducted and participated in surveillance, (ii) facilitated undercover purchases of narcotics, (iii) reviewed and analyzed numerous taped conversations of those engaged in narcotics trafficking, (iv) executed search warrants and (v) debriefed informants. Through my training, education and experience, I have become familiar with the manner in which narcotics schemes are carried out, and the efforts of persons involved in such activity to avoid detection by law enforcement. I am familiar with the facts and circumstances set forth below based upon my participation in the investigation; my review of the investigative file, including the defendants' respective criminal history records; and my review of reports of other law enforcement officers involved in the investigation.

2. The FBI has been investigating the importation, possession and distribution of narcotics including cocaine and heroin by defendants GARCIA and BORJAS. In connection with this investigation, the FBI learned from a confidential source ("CS-1")² that GARCIA and BORJAS, along with others, were purchasing kilogram-amounts of cocaine and heroin for distribution in the New York City area.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² CS-1 provided information about the defendants that has been corroborated by other information during this investigation, including as described herein, and I believe CS-1's information to be credible and reliable. CS-1 has been compensated for the information s/he has provided to law enforcement.

3. On or about October 27, 2022, the FBI received information from CS-1 that defendants GARCIA and BORJAS were specifically interested in brokering a deal for the sale of cocaine and heroin in exchange for cash payment in the New York City area. In furtherance of the sale of narcotics, defendants GARCIA and BORJAS arranged to fly into La Guardia Airport on October 27, 2022 in order to organize and effectuate the exchange of cocaine and heroin for cash payment.

4. On or about October 27, 2022, defendants GARCIA and BORJAS flew into La Guardia Airport in Queens, New York. GARCIA and BORJAS discussed, in sum and substance and in part,³ in recorded conversations, the details of the expected sale of narcotics. GARCIA and BORJAS stated that to effectuate the sale of narcotics, individuals working with and at the direction of GARCIA and BORJAS would deliver from Fort Lee, New Jersey, approximately eight kilograms of cocaine and eight kilograms of heroin for sale on Friday, October 28, 2022. After the narcotics were delivered to an agreed-upon location—The Empire Hotel, located at 44 West 63rd Street, New York, NY 10023—GARCIA, BORJAS and their co-conspirators would exchange the narcotics for approximately 6,500 USD per kilogram of cocaine or a total of 52,000 USD. Once the money was exchanged, the defendants would provide the approximately eight kilograms of heroin at an additional cost.

5. On October 28, 2022, law enforcement conducted physical surveillance of The Empire Hotel. During this time, CS-1 informed law enforcement that GARCIA was engaged in communications with CS-1 regarding the location of the narcotics. Later that morning, law enforcement observed GARCIA and BORJAS exit The Empire Hotel. GARCIA informed CS-1 that their driver was en route from New Jersey with the narcotics. GARCIA and

³ Any statements described herein are represented in sum and substance and in part.

BORJAS requested that CS-1 meet them outside of the hotel in order to meet the driver of the vehicle containing the narcotics to effectuate the exchange of the narcotics for cash payment. Law enforcement observed a second confidential source (“CS-2”)⁴ meet GARCIA and BORJAS in front of the hotel, where GARCIA and BORJAS entered CS-2’s vehicle (the “CS-2 Vehicle”). While inside the CS-2 Vehicle, CS-2 overheard GARCIA and BORJAS communicating by cellular telephone with the driver bringing the narcotics, defendant ROSALES TORRES. CS-2 heard GARCIA and BORJAS direct ROSALES TORRES to pull the vehicle containing the narcotics (the “Delivery Vehicle”) behind the CS-2 Vehicle, which was parked in front of the hotel. Law enforcement observed defendant MATAMOROS TORRES inside the Delivery Vehicle in the passenger seat. Law enforcement observed ROSALES TORRES remove a black bag covered with a jacket from the backseat of the Delivery Vehicle and place it in the trunk of the CS-2 Vehicle in which CS-2, GARCIA and BORJAS were seated. ROSALES TORRES then entered the CS-2 Vehicle. Law enforcement observed defendant MATAMOROS TORRES exit the passenger seat of the Delivery Vehicle and re-enter the car on the driver’s side. MATAMOROS TORRES remained stationed in front of the hotel in the driver’s seat of the Delivery Vehicle. CS-2 then drove the CS-2 Vehicle away from the front of the hotel. Shortly after departing, the CS-2 Vehicle was stopped by law enforcement.


6. At this time, law enforcement placed CS-2 and the defendants GARCIA, and BORJAS and ROSALES TORRES under arrest. Defendant MATAMOROS TORRES was simultaneously arrested. All individuals were advised of their Miranda rights. Defendant

⁴ CS-2 provided information about the defendants that has been corroborated by other information during this investigation, including as described herein, and I believe CS-2’s information to be credible and reliable. CS-2 has been compensated for the information s/he has provided to law enforcement.

MATAMOROS TORRES knowingly and voluntarily waived her rights orally and in writing and agreed to speak to law enforcement. In sum and substance and in part, MATAMOROS TORRES stated that she was recruited by defendant ROSALES TORRES to assist in the delivery of narcotics from Houston, Texas to New York City. Prior to this date, MATAMOROS TORRES informed law enforcement that MATAMOROS TORRES and ROSALES TORRES were residing together in Houston, Texas. MATAMOROS TORRES stated that while living together, she observed ROSALES TORRES receive a black bag containing narcotics in Houston, Texas, at their shared residence on or about October 23, 2022. MATAMOROS TORRES stated that she and ROSALES TORRES then rented a car in Houston, Texas, departing Monday, October 24, 2022 en route to Fort Lee, New Jersey, in order to transport the drugs to be sold in Manhattan.

7. Agents from the FBI conducted a field test analysis of the substances possessed by the defendants and determined that the substances tested positive for the presence of cocaine and fentanyl.

WHEREFORE, your deponent respectfully requests that the defendants
JACKELIN AZUCENA MATAMOROS TORRES, ANTONIO HUMBERTO BARRON
BORJAS, JOSE FRANCISCO ROSALES TORRES and JUAN MANUEL GARCIA be dealt
with according to law.



MARTHA BELTRAN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
29 day of October, 2022

S/ Sanket Bulsara

THE HONORABLE SANKET J. BULSARA
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK